

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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LORENZO SOLVANO BALLI,

Plaintiff,

v.

ORDER

10-cv-67-bbc

WISCONSIN DEPARTMENT OF CORRECTIONS;
RICK RAEMISCH; AMY SMITH;
JIM GREER; DAVID BERNETT;
GREGORY GRAMS; MARC CLEMENTS;
JANEL NICKLE; DYLAN RADTKE;
LIEUTENANT BERKEBILL; LIEUTENANT LANE;
LIEUTENANT KELLER; MARTHA BREEN;
KURT SCHWEBKE; ANDREA NELSON;
RYAN TOBIASZ; LORI ALSUM;
DAILIA SUILENE; STEVE HELGERSON, RN;
NANCY HAHNISCH, RN; DARCI BURRESON, RN;
KIM CAMPBELL, RN; SHAWNA ELDER-HALL, NA;
NURSE JOHN DOES 1 AND 2;
NURSE JANE DOES 1 AND 2;
DAVID LAPINSKI; MARY LIESER;
SERGEANT KOTTKA; SERGEANT MORRISON,
SERGEANT JOHN DOES 1 AND 2;
PRISON GUARD HOOPER;
PRISON GUARD SCHREFNGAEL;
PRISON GUARD WITTERHOLT;
PRISON GUARD PULVER; PRISON GUARD ARMSON,
PRISON GUARD ISSACSON,
PRISON GUARD POPE, PRISON GUARD SWENSON,
PRISON GUARD TRIMBLE,
JOHN DOES 1 THROUGH 20 (All John and

Jane Does shall be named after discovery by
Amended Complaint);
All Defendants are sued in their individual and
official capacities;

Defendants.

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Plaintiff Lorenzo Balli, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He has not paid the \$350 filing fee or submitted a copy of his trust fund account statement for the six-month period immediately preceding the filing of the complaint. Therefore, I construe the complaint to include a request for leave to proceed in forma pauperis. A decision on the request will be delayed until plaintiff submits a copy of his six-month trust fund account statement as required by 28 U.S.C. § 1915(a)(2).

Plaintiff's complaint was postmarked February 10, 2010. His trust fund account statement should cover the six-month period beginning approximately August 10, 2009 and ending approximately February 8, 2010. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay. After the court receives the initial partial payment, I will take plaintiff's complaint under advisement for a determination under 28 U.S.C. § 1915(e)(2) whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a

claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief.

Plaintiff has submitted with his complaint a motion for appointment of counsel and a motion to file documents under seal. Dkts. ##7, 8. In his motion to seal, plaintiff asks the court to seal his complaint and supporting documents because his mental health history is discussed in these documents. Given plaintiff's expressed concern for the sensitive nature of his submissions, I will grant his motion at this time. Plaintiff's complaint and all filings submitted with it shall be placed under seal. Plaintiff should be aware, however, that if he is granted leave to proceed in forma pauperis and his mental health becomes the subject of the law suit, he will not be able to keep all of his mental history sealed. Finally, I will reserve a ruling on plaintiff's request for counsel until I have screened plaintiff's complaint.

ORDER

IT IS ORDERED that

1. Plaintiff may have until March 5, 2010, in which to submit a trust fund account statement for the period beginning August 10, 2009 and ending February 8, 2010. If, by March 5, 2010, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

2. Plaintiff's motion to file documents under seal, dkt. #8, is GRANTED. All filings in this case shall remain under seal until otherwise directed by the court.

3. A decision on plaintiff's motion for appointment of counsel, dkt. #7, is reserved until I have screened the complaint in this case.

Entered this 11th day of February, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge